

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

ROBERT MORRIS PYLE

PLAINTIFF

V.

NO: 3:05CV000123 JMM/HDY

CRAIGHEAD COUNTY  
DETENTION CENTER, *et al.*

DEFENDANTS

**PROPOSED FINDINGS AND RECOMMENDATIONS**

**INSTRUCTIONS**

The following recommended disposition has been sent to United States District Court Judge James M. Moody. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence proffered at the hearing before the District Judge (if such a hearing is granted) was not offered at the

hearing before the Magistrate Judge.

3. The detail of any testimony desired to be introduced at the hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite 402  
Little Rock, AR 72201-3325

#### **DISPOSITION**

Plaintiff initiated this 42 U.S.C § 1983 action by filing a Complaint (docket entry #1), unaccompanied by an Application to Proceed *In Forma Pauperis*, alleging that Defendants failed to provide him with adequate medical care. In an Order entered June 14, 2005, (docket entry #3), the Court directed Plaintiff to file an Application to Proceed *In Forma Pauperis* or to submit the \$250.00 filing fee within thirty (30) days of the entry of that Order. Plaintiff was further cautioned of his responsibility to comply with Local Rule 5.5(c)(2), which provides that if any communication from the Court to a *pro se* litigant is not responded to within thirty days, the case may be dismissed without prejudice.

More than thirty days have now passed since the entry of that Order and Plaintiff has failed to respond. Under these circumstances, the Court concludes that this case should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2). *See Miller v. Benson*, 51 F.3d 166,

168 (8th Cir. 1995) (“District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and we review the exercise of this power for abuse of discretion.”)

IT IS THEREFORE RECOMMENDED THAT Plaintiff’s Complaint (docket entry #1) be  
DISMISSED WITHOUT PREJUDICE.

DATED this 25 day of July, 2005.

A handwritten signature in cursive script, appearing to read "H. Daniel Young".

---

UNITED STATES MAGISTRATE JUDGE